



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

OCTOBER 23, 2006

*Commissioner Joe Ford, Chairman*  
*Commissioner David Lillard, Chairman Pro Tempore*  
*Commissioner Joyce Avery*  
*Commissioner Henri Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*

*Commissioner George Flinn*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner Deidre Malone*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

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**2:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER Deputy Sheriff Cotton**

**INVOCATION Pastor Randel McCarty**  
**Cathedral of Praise Assembly of God**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Sessions**

**MULROY**  
**ADOPTED** October 9, 2006

**C O N S E N T A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

**LILLARD**  
**ADOPTED** 1. Resolution proclaiming Saturday, October 28, 2006, as Susan G. Komen Breast Cancer Foundation Race for the Cure Day in Shelby County, and honoring the cause of breast cancer awareness, early diagnosis and treatment.

**Ordinances**

**Zoning and Subdivisions**

**Reports and/or Resolutions of Standing Committees**

- |   |  |
|---|--|
| <b>MALONE<br/>ADOPTED</b>   | 2. <b>Resolution amending the FY 2007 Operating Budget; approving a Juvenile Accountability Block Grant Agreement between Shelby County Government and the Tennessee Commission on Children and Youth for the term October 1, 2006 to September 30, 2007.</b>  |
| <b>MALONE<br/>ADOPTED</b>   | 3. <b>Resolution approving expenditure of funds in the amount not to exceed \$100,000.00 for Americans with Disabilities Act (ADA) upgrades in various Shelby County Government facilities, appropriating said funds from the FY 2006/2007 Budget for CIP Project No. 101710, Office Buildings.</b>  |
| <b>MALONE<br/>ADOPTED</b>   | 4. <b>Resolution to sell 6,500 square feet (0.14 acres) of excess roadway right-of-way originally purchased for the realignment of the intersection of Raleigh LaGrange, Macon and Appling Road, and to amend the budget for FY 2006/2007 by \$12,860.00 and to authorize the mayor to execute a Quit Claim Deed releasing said roadway right-of-way to the adjoining landowner, Diggs Family Partnership, for the sum of \$12,860.00.</b>   |
| <b>MALONE<br/>(REMOVED<br/>TO REGULAR<br/>AGENDA)<br/>ADOPTED</b> | 5. <b>Resolution approving agreement with Ambassador Construction Company for the provision of reduced pressure backflow preventer modifications at the Shelby County Criminal Justice Center, appropriating funds in the amount of \$102,280.00 and appropriating an extra work allowance in the amount of \$7,720.00 from the FY 2006/2007 Budget for CIP Project No. 101505, Criminal Justice Center.</b>   |
| <b>MALONE<br/>ADOPTED</b>   | 6. <b>Resolution approving a contract with AT&amp;T Global Services, Inc., for the procurement of a new Nortel PBX and Voicemail System, modernization and upgrade of three Legacy Nortel PBX's and Voicemail Systems, ongoing maintenance services of the systems and an on-site technician for various Shelby County Government locations in the amount of \$2,380,358.70 and appropriating funds for all FY 2006/2007 expenditures pursuant thereto, said appropriation including \$800,000.00 from CIP Project No. 101714.</b> |
| <b>LILLARD<br/>(DEFERRED<br/>TO 11/06/06)</b>                     | 7. <b>Resolution to amend the FY 2006/2007 Operating Budget of the Roads and Bridges Department to fund the DUI Litter Removal Program in an amount not to exceed \$205,200.00 and to amend the personnel complement.</b>  |
| <b>LILLARD<br/>ADOPTED</b>  | 8. <b>Resolution to authorize the awarding of the contract to McCrory Electric Company for the Congestion Management Program Project, Set No. 2, to appropriate funds in the amount of \$1,828,419.05 and to appropriate extra work allowance in the amount of \$182,841.90 from the FY 2006/2007 Budget and to amend the FY 2006/2007 Budget in the amount of \$2,011,261.00.</b>   |

**LILLARD  
ADOPTED**

9. Resolution authorizing the mayor to enter into a contract with the Afram Corporation for the study and design of the existing Cotton Creek Area Sewer Phase 1 and Phase 2 and appropriating funds in the amount of \$67,113.16 and amending the FY 2006/2007 Budget.

**LILLARD  
ADOPTED**

10. Resolution to approve the acquisition of 6,517 square feet (0.15 acres) of roadway right-of-way and 1,989 square feet (0.046 acres) of permanent drainage easement by eminent domain for the extension of Appling Road between Macon Road and Mullins Station Road; and to authorize the use of proceeds from the sale of excess roadway right-of-way (\$12,860.00) to fund this new right-of-way acquisition.

**RITZ  
ADOPTED**

11. Resolution to amend the FY 2006/2007 Operating Budget for Shelby County Government to allow expenditure of \$854,802.39 from the Roads and Bridges fund balance for asphalt concrete surfacing program Phase 1, Area 2.

**AVERY  
ADOPTED**

12. Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2006/2007 Operating Budget and FY 2006/2007 Position Control Budget and to appropriate funds in the amount of \$78,412.00 carried forward from FY 2005/2006 in HIV/AIDS/STD Prevention and Surveillance Services Program.

**AVERY  
(DEFERRED  
TO 12/04/06)**

13. Resolution requesting that the charter of the MED be amended to add the Chairman of this Commission's Hospitals and Health Committee as an ex-officio non-voting member to the MED's board.

**CHISM  
ADOPTED**

14. Resolution approving contract renewal with CIMS, Inc., for Phase II of the Document Management System Upgrade at a cost of \$306,480.00 and amending the FY 2006/2007 Shelby County Operating Budget as per Exhibit A for payment of expenditures.

**CHISM  
ADOPTED**

15. Resolution to approve a contract with Dr. Roger Morgan for the provision of treatment services to Shelby County Drug Court/DUI Program in an amount not to exceed \$225,000.00.

**CHISM  
ADOPTED**

16. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation – Governor's Highway Safety Office for the Metro Youth DUI Unit project in the amount of \$98,874.44.

**CHISM  
ADOPTED**

17. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee

**Department of Transportation – Governor's Highway Safety Office for the Network Coordinator Grant program in the amount of \$30,000.00.**

**CHISM  
ADOPTED**

**18. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation – Governor's Highway Safety Office for the High Visibility Law Enforcement Campaign program in the amount of \$4,400.00.**

**CHISM  
ADOPTED**

**19. Resolution amending the FY 2006/2007 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation – Governor's Highway Safety Office for Police Traffic Services program in the amount of \$132,010.00.**

**CHISM  
ADOPTED**

**20. Resolution to amend the Position Control Budget by adding a permanent position and additional reclassification funds for the Office of the District Attorney General and amend the Operations and Maintenance Budget.**

**CHISM  
ADOPTED**

**21. Resolution amending the FY 2006/2007 Operating Budget for the State of Tennessee Department of Transportation – Governor's Highway Safety Office grant for the Metro Youth DUI Unit project to allocate a portion of the grant funds in Fund 301 for outside agencies services in the amount of \$34,000.00.**

**CHISM  
ADOPTED**

**22. Resolution amending the FY 2006/2007 Shelby County Operating Budget for the Memphis and Shelby County Juvenile Court as per Exhibit A to facilitate use of unexpended Edward Byrne Memorial Juvenile Assistance Grant Fund 194 proceeds in the amount of \$37,318.00 from the U.S. Office Justice Programs.**

**CHISM  
ADOPTED**

**23. Resolution approving a contract with UT-Battelle, LLC, operating under contract for the U.S. Department of Energy/Oak Ridge National Laboratory, to purchase a Sensor Network Area Protection System (SNAPS) by Shelby County Government in the amount of \$396,000.00 for the Sheriff's Office.**

**RITZ  
(REMOVED  
TO REGULAR  
AGENDA)  
ADOPTED**

**24. Resolution approving a contract amendment between Shelby County Government and Business Promotions for the purpose of business promotions providing printed and promotional material for Memphis Area Rideshare and Air Quality Public Outreach programs for the Department of Regional Services in the amount of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00).**

**RITZ  
(REMOVED  
TO REGULAR  
AGENDA  
ADOPTED**

25. Resolution approving a contract with Dejong and Associates in the amount of \$92,600.00 for professional consulting services for the Needs Assessment Committee to provide analysis and information for school infrastructure needs and amending the FY 2007 Operating Budget by transferring funds from Commissioners' Contingency funds for appropriation for this purpose.

**HARVEY  
ADOPTED**

26. Resolution to approve funds from FY2006/2007 CIP Project No. 907-101701-7024, Memphis Cook Convention Center Upgrades, in the amount of \$95,417.50.

**FLINN  
ADOPTED**

27. Resolution to authorize the Shelby County Community Services Agency to accept and expend \$15,000.00 in direct appropriation funds from the State of Tennessee, Department of Human Services and to amend the Shelby County Operating Budget for FY 2007.

**FLINN  
ADOPTED**

28. Resolution to approve the amendment to the Community Services Agency's Commodities Program Operating Budget to allow maximum expenditures of funds from the contract with the Tennessee Department of Agriculture.

**FLINN  
ADOPTED**

29. Resolution increasing the appropriation amount for Primary Preparatory, Inc., pursuant to its Head Start Delegate Contract by \$47,300.00 for the grant year January 1, 2006 through December 31, 2006.

**FLINN  
ADOPTED**

30. Resolution increasing the appropriation amount for the YMCA of Memphis and the Mid-South pursuant to its Head Start Delegate Contract by \$27,100.00 for the grant year January 1, 2006 through December 31, 2006.

**FLINN  
ADOPTED**

31. Resolution approving a contract with AWIL Construction in the amount of \$86,983.40 for renovation of Hanley and Hollywood Head Start Centers and appropriating funds for all FY 2006/2007 expenditures pursuant thereto.

**FLINN  
ADOPTED**

32. Joint Resolution by the Board of County Commissioners of Shelby County, Tennessee, and the City Council of the City of Memphis calling for public hearings regarding a joint office to serve children and youth.

**FLINN  
ADOPTED**

33. Resolution increasing the appropriation amount for Porter Leath Children's Center to its Head Start Delegate Contract by \$3,600.00 for the grant year January 1, 2006 through December 31, 2006.

**RITZ  
ADOPTED**

**CONSENT AGENDA**

## REGULAR AGENDA

### Elections, Appointments, and Confirmations

- |                    |  |
|--------------------|--|
| BROOKS<br>ADOPTED  | 34. Resolution approving the county mayor's nomination of <u>Dr. Neal Beckford</u> for appointment to the Shelby County <i>Healthcare Corporation</i> .  |
| LILLARD<br>ADOPTED | 35. Resolution approving the county mayor's nomination of <u>Jason J. Fair</u> and <u>Lee A. Jackson</u> for reappointment to the Memphis and Shelby County <i>Convention Center Commission</i> .  |
| BROOKS<br>ADOPTED  | 36. Resolution approving the county mayor's nomination of <u>Martin S. Belz</u> , <u>Morice Haskins, Jr.</u> and <u>W. Hamilton Smythe, III</u> for reappointment to the Shelby County <i>Agricenter Commission</i> .                              |
| BROOKS<br>ADOPTED  | 37. Resolution approving the county mayor's nomination of the joint City-County appointment of <u>Thomas C. Farnsworth, III</u> to the Memphis and Shelby County <i>Depot Redevelopment Corporation</i> for the unexpired term of Michael C. Ritz. |
| BROOKS<br>ADOPTED  | 38. Resolution approving the county mayor's nomination of <u>Felicia K. Reeves</u> for appointment to the Memphis and Shelby County <i>Air Pollution Control Board</i> .   |
| BROOKS<br>ADOPTED  | 39. Resolution approving the county mayor's nomination of <u>David Newsom</u> for appointment to the Memphis and Shelby County <i>Groundwater Control Board</i> .  |
| BROOKS<br>ADOPTED  | 40. Resolution approving the appointment of two employee members to the Unified Personnel Policy Committee (UPPC).   |

### Ordinances

### Zoning and Subdivisions

- |                      |  |
|----------------------|--|
| CARPENTER<br>ADOPTED | 41. <u>CASE NO. P.D. 06-338 CC</u><br>APPLICANT: Sparkle Creek Partners<br><br>LOCATION: West side of Pisgah Road; +/- 430 feet south of Graybourne Drive<br><br>REQUEST: 40-lot single-family residential development |
|----------------------|--|

Memphis and Shelby County Office of Planning and Development recommendation:  
HOLD FOR REDESIGN

Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL

(Notice of public hearing published in the Daily News on Friday, October 13, 2006.)

MULROY  
FAILED

42. CASE NO. P.D. 06-345 CC  
APPLICANT: HBT Investments
- LOCATION: North side of East Holmes Road; +/- 2,700 feet west of Hacks Cross Road
- REQUEST: Planned development to allow one-hundred seventy (170) single family homes with minimum lot sizes of 10,000 square feet in area within the Outline Plan

Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS

(Notice of public hearing re-published in the Daily News on Friday, October 13, 2006.)

FLINN  
ADOPTED

43. CASE NO. S.U.P. 06-219 CO  
APPLICANT: Paula Maloney
- LOCATION: South side of Navy Road; +/-1,750 feet east of Bethuel Road
- REQUEST: Special Use Permit to allow a petting farm as an accessory use to a single family home

Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

Reports and/or Resolutions for Standing Committees

**MALONE  
(DEFERRED  
TO 11/01/06)**

44. A resolution authorizing the issuance of General Obligation Variable Rate Demand Refunding Bonds, 2006 Series C of Shelby County, Tennessee, in the principal amount of not to exceed Three Hundred Ten Million Dollars (\$310,000,000.00) pursuant to Section 9-21-101, et seq. and Section 49-3-1001, et seq. of the Tennessee Code Annotated (The "T.C.A.") for the purpose of refunding a portion of the county's General Obligation Refunding Bonds, 1996 Series B, issued pursuant to Sections 9-21-901 through 9-21-916 of the T.C.A. General Obligation Public Improvement and School Bonds, 1999 Series A, General Obligation Public Improvement and School Bonds, 1999 Series B, General Obligation Public Improvement and School Bonds, 2001 Series A and General Obligation and Public Improvement and School Bonds, 2003 Series A, issued pursuant to Sections 9-21-101, et seq. and 49-3-1001, et seq. of the Tennessee Code Annotated; for the purpose of refinancing all of the county's outstanding capital outlay extendible Municipal Commercial Paper (EMCP) Notes, 2005 Series A, previously issued for the purpose of providing funds for public works projects and school purposes in Shelby County, Tennessee; making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest and principal of the bonds; authorizing the use of a preliminary official statement, notice of sale and bid forms, in connection with the sale of such bonds; authorizing the use of an official notice relative to obtaining competitive bid for a credit facility or liquidity facility; authorizing the county mayor to accept the best bids for the purchase of the bonds and for the provider of the credit facility of liquidity facility; prescribing the maximum interest rate to be borne thereby, the form thereof and certain details relating thereto; authorizing the execution and delivery of an official statement in connection therewith; authorizing the execution and delivery of one or more SWAP agreements, including schedules and confirmations relative to the bonds; approving the form of and authorization the execution and delivery of an escrow deposit agreement; appointing financial advisors; providing for certain other matters deemed necessary and proper in connection with the issuance of said bonds; authorizing the proper officers to do all things necessary or advisable in connection with the sale of such bonds; and providing an effective date hereof.

**HARVEY  
(DEFERRED  
TO 11/20/06)**

45. Resolution approving retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and/or Ellerbe Becket.

**Announcements/Statements**

46. Notifications from county mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.



- a. Resolution approving the county mayor's nomination of Audrey Josie-Ellen Grossman for appointment to the Memphis and Shelby County *Film and Television Commission*.
  
- b. Resolution approving the reappointment of Charles D. Harvey, Nadie J. Kinnard, John Lawson, Pearl Lurry, Joseph S. Simmons, and Arthur L. Snow and the appointment of Vance A. Miller and LaFrederick Self by the Director of Corrections to the Shelby County *Work Release Board*.
  
- c. Resolution approving the County Mayor's nomination of William S. Howard, Sr. and Justin G. Mitchell for reappointment to the Shelby County *Conservation Board*.

Adjournment

LILLARD  
ADOPTED

- 47. Resolution of Adjournment to Wednesday, November 1, 2006, at 9:00 a.m.

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]